

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DURRELL JAVON KINSEY,

Plaintiff,

v.

JUDGE DAN F. KATHEREN; OFFICER  
JAMES STAIRET; OFFICER S. MONDS;  
TRI CITY COLLECTORS AND THEIR  
EMPLOYEES AND REPRESENTATIVES;  
PROSECUTING ATTORNEY ANDY MILLER,

Defendants.

CASE NO. 4:16-CV-5022-EFS

**ORDER DISMISSING LAWSUIT AND  
CLOSING FILE**

On September 12, 2016, the Court entered an Order to Show Cause directed towards *pro se* Plaintiff Durrell Javon Kinsey as a result of Mr. Kinsey's failure to prosecute his case. ECF No. 5. Mr. Kinsey filed his complaint on March 9, 2016. ECF No. 4. Since that time, Mr. Kinsey has not pursued his claim. For example, there is no evidence that Mr. Kinsey has served the Defendants, and Mr. Kinsey did not respond to the Court's Show Cause Order. Because Mr. Kinsey failed to serve the Defendants or otherwise prosecute his lawsuit, the Court finds dismissal is appropriate. See Fed. R. Civ. P. 4(m) & 41(b); see *Link v. Wabash R.R. Co.*, 370 U.S. 626, 633 (1962) ("[A] [d]istrict

1 [c]ourt may dismiss a complaint for failure to prosecute even  
2 without affording notice of its intention to do so or providing  
3 an adversary hearing before acting." ).

4 Accordingly, **IT IS HEREBY ORDERED:**

5 1. This case is to be dismissed **without prejudice.**

6 2. This file shall be **CLOSED.**

7 **IT IS SO ORDERED.** The Clerk's Office is directed to enter  
8 this Order and provide a copy to Mr. Kinsey.  
9

10 **DATED** this 5<sup>TH</sup> day of October 2016.

11 s/Edward F. Shea  
12 EDWARD F. SHEA  
13 Senior United States District Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26